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Attorneys for Plaintiff  
SIRNA THERAPEUTICS, INC.

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SIRNA THERAPEUTICS, INC.,

Plaintiff,

v.

PROTIVA BIOTHERAPEUTICS, INC.,  
and MARK J. MURRAY,

Defendants.

Case No. C 06-01361 MMC

**~~PROPOSED~~ ORDER GRANTING  
PLAINTIFF SIRNA THERAPEUTICS,  
INC.'S MOTION FOR LEAVE TO  
FILE SURREPLY IN OPPOSITION  
TO DEFENDANTS' MOTION TO  
DISMISS**

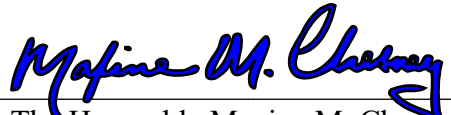
Honorable Maxine M. Chesney

Hearing Date: November 17, 2006  
Time: 9:00 a.m.  
Place: Courtroom 7, 19th Floor

1 Having considered plaintiff Sirna Therapeutics, Inc.'s Motion for Leave to File Surreply  
2 in Opposition to Defendants' Motion to Dismiss, and finding sufficient justification in light of the  
3 new arguments and cases presented by defendants in their reply memorandum, it is hereby  
4 **ORDERED** that the motion is **GRANTED** and the surreply is deemed filed.

5 **IT IS SO ORDERED.**

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7 Dated: November 15, 2006

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9 The Honorable Maxine M. Chesney  
10 United States District Judge

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